

REMARKS/ARGUMENTS

Claims 30 through 44 have been added. Claims 1, 9, 11, and 26 have been amended. Claims 12 through 25 and 29 have been canceled without prejudice or disclaimer. Twenty-nine (29) claims remain pending in the application: Claims 1 through 11, 26 through 28, and 30 through 44. Reconsideration of Claims 1 through 11, 26 through 28, and 30 through 44 in view of the amendments above and arguments below is respectfully requested.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that Examiner telephone the undersigned at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

Turning to the specific objections and rejections:

1. Applicant wishes to affirm the provisional election made with traverse to prosecute the invention of Group I: Claims 1 through 11 and 26 through 28, drawn to simultaneously displaying video content on a flat surface, and menu content on a spherical surface over the flat surface, within a spherical display device. Claims 12 through 25 and 29 are withdrawn without prejudice from further consideration by the Examiner as being drawn to a non-elected invention.

2. Claims 7 and 8 stand rejected under 35 U.S.C. § 112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner argued

that both claims 7 and 8 lacked antecedent basis for the limitation "the instructions."

Applicant disagrees with the Examiner. Claims 7 and 8 each depend directly from claim 1. Claim 1 contains the limitation (with emphasis added): "scrolling through the second content based on **instructions** while displaying the first content..." Accordingly, applicant submits that the "the instructions" limitations of claims 7 and 8 do contain the proper antecedent basis. Therefore, applicant respectfully submits that the Examiner's rejection of claims 7 and 8 under 35 U.S.C. § 112, ¶2 should be withdrawn.

3. Claim 1, 2, and 9-11 stand rejected under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent No. 6,628,313 to Minakuchi et al. ("Minakuchi"). The Examiner stated that Minakuchi describes an information retrieval method and apparatus in which main information, specified by the user, is displayed along with sub-information related to the main information. The Examiner also stated that Minakuchi

"particularly discloses that the main information and its associated sub-information are presented via a 'virtual sphere,' which is considered [to be] a spherical display (see e.g. column 8, line 63 - column 9, line 14; and FIG. 5)."

Claim 1 recites (with emphasis added):

"1. A method comprising:
displaying a first content on a flat display surface within a spherical display;
simultaneously displaying a second content on a physical spherical display surface within the spherical display; and
scrolling through the second content based on instructions while displaying the first content, wherein the spherical display surface is imposed over the flat display surface such that the first content and the second content are distinctly and simultaneously viewed."

Minakuchi discloses an information retrieval method and apparatus that includes displaying information on a virtual sphere. The sphere is displayed on a display screen, and as shown in FIG. 5, the sphere is merely *virtual*. Claim 1, on the other hand, specifies simultaneously displaying a second content on a *physical spherical display surface* within a spherical display. Therefore, claim 1 requires use of a physical, as opposed, to a merely virtual spherical display surface.

Accordingly, claim 1 distinguishes over Minakuchi. Claims 2, 9, and 10 depend from claim 1 and therefore also distinguish over Minakuchi for at least the same reasons as those discussed above with respect to claim 1. Claim 11 contains distinguishing limitations similar to those set forth in claim 1 and therefore distinguishes over Minakuchi for reasons similar to those discussed above with respect to claim 1. Therefore, applicant respectfully submits that the rejection of claims 1, 2, and 9-11 under 35 U.S.C. § 102(e) should be withdrawn.

4. Claims 3-6 stand rejected under 35 U.S.C. § 103(a), as being obvious over Minakuchi in view of PCT Publication No. WO 02/21529 to Barbieri ("Barbieri"). The Examiner stated that Minakuchi does not disclose that "the first content is a video stream or digital image" or that the "first content is captured with a content capturing device." However, the Examiner argued that Barbieri teaching the displaying of a digital video image, determining similar video images that are associated with the video image, and the use of a digital camera. The Examiner further alleged that it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Minakuchi and Barbieri in the direction of claims 3-6.

Claims 3-6 all depend from claim 1 and therefore distinguish over Minakuchi for at least the same reasons as those discussed above with respect to claim 1. Barbieri does not make up for the deficiencies of Minakuchi. Specifically, Barbieri discloses an apparatus for reproducing an information signal stored on a storage medium. However, Barbieri does not disclose, teach, or suggest simultaneously displaying a second content on a *physical spherical display surface* within the spherical display, as is required by claims 3-6 by virtue of their respective dependence from claim 1.

Accordingly, claims 3-6 distinguish over Minakuchi in combination with Barbieri. Therefore, applicant respectfully submits that the rejection of claims 3-6 under 35 U.S.C. § 103(a) should be withdrawn.

5. Claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as being obvious over Minakuchi in view of U.S. Patent Application Publication No. 2002/0030665 to Ano ("Ano"). The Examiner stated that Minakuchi does not disclose that "instructions for scrolling are based on rotating a playback ring or knob, as is expressed in claims 7-8." However, the Examiner argued that Ano teaches use of playback rings and knob and that it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Minakuchi and Ano in the direction of claims 7 and 8.

Claims 7 and 8 depend from claim 1 and therefore distinguish over Minakuchi for at least the same reasons as those discussed above with respect to claim 1. Ano does not make up for the deficiencies of Minakuchi. Specifically, Ano discloses use of a rotating wheel on a computer mouse.

However, Ano does not disclose, teach, or suggest simultaneously displaying a second content on a *physical spherical display surface* within the spherical display, as is required by claims 7 and 8 by virtue of their respective dependence from claim 1.

Accordingly, claims 7 and 8 distinguish over Minakuchi in combination with Barbieri. Therefore, applicant respectfully submits that the rejection of claims 7 and 8 under 35 U.S.C. § 103(a) should be withdrawn.

6. Claims 26-28 stand rejected under 35 U.S.C. § 103(a) as being obvious over Minakuchi in view of Barbieri and Ano. The Examiner stated that the combination of Minakuchi and Barbieri disclose a spherical display device for simultaneously displaying first content and second content. The Examiner also stated that the combination of Minakuchi and Barbieri does not disclose that "instructions for scrolling are based on rotating a playback ring or knob, as is expressed in claim 26." However, the Examiner argued that Ano teaches use of playback rings and knob and that it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Minakuchi, Barbieri, and Ano in the direction of claims 26-28.

Claim 26 contains a "physical spherical display" limitation similar to that of claim 1. Accordingly, claim 26 therefore distinguishes over Minakuchi for reasons similar to those discussed above with respect to claim 1. Barbieri and Ano do not make up for the deficiencies of Minakuchi. Specifically, as discussed above, Barbieri discloses an apparatus for reproducing an information signal stored on a storage medium and Ano discloses use of a rotating wheel on a computer mouse. However, the combination of Barbieri and Ano


does not disclose, teach, or suggest simultaneously displaying a second content on a *physical spherical display* within the spherical display, as is required by claim 26.

Accordingly, claims 26, and 27 and 28 depending therefrom, distinguish over Minakuchi in combination with Barbieri and Ano. Therefore, applicant respectfully submits that the rejection of claims 26-28 under 35 U.S.C. § 103(a) should be withdrawn.

7. Newly submitted Claims 30 through 44 are believed to be allowable because they are directed to that which is not shown or suggested in the prior art. Specifically, claims (a) 30-34, (b) 35-39, and (c) 40-44 all depend, directly or indirectly, from claims 1, 11, and 26, respectively. Accordingly, such claims therefore distinguish over Minakuchi for at least the same reasons as those discussed above with respect to claims 1, 11, and 26, respectively.

In view of the above, Applicants submit that Claims 1 through 11, 26 through 28, and 30 through 44 are now in condition for allowance, and prompt and favorable action is earnestly solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the California telephone number 805-781-2865 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,
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